

EXHIBIT 12

APPENDIX 1S

RECORD HILL WIND PROJECT WIND TURBINE SOUND COMPLIANCE ASSESSMENT PLAN

Record Hill Wind Project Wind Turbine Sound Compliance Assessment Plan

Submitted by
Record Hill Wind, LLC

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This wind turbine sound compliance assessment plan was developed jointly by Record Hill Wind (RHW) and Maine Department of Environmental Protection (DEP) with the advice and guidance of their respective acoustical consultants. Recommendations for testing protocols were drafted by EnRad Consulting of Old Town, Maine on behalf of DEP, and further refined in consultation with Record Hill Wind and Resource Systems Engineering (RSE) of Brunswick, Maine.

The sound compliance assessment for the Record Hill Wind Project requires carefully specified measurement conditions, monitoring specifications and reporting requirements to characterize and consistently quantify wind turbine sound levels. Operations compliance for the project will be demonstrated when the following outlined conditions have been met for 12, 10-minute measurement intervals per monitoring location meeting 06-096 CMR 375.10 requirements.

Maine DEP recognizes that some compliance test locations may exhibit unique characteristics requiring modification of its compliance assessment requirements. Assessment modifications may be necessitated by elevated ambient sound levels, availability of stable atmospheric conditions, less than maximum sound power output from turbines under possible measurement conditions, etc.. Assessments requiring alternative methods should be thoroughly proposed including their basis in writing by the applicant as part of the pretest Compliance Assessment Plan and shall be reviewed and approved by the DEP in advance of performing the compliance assessment test.

Extraneous sounds could potentially or do complicate routine operation compliance assessment. In the case of RHW, the Swift River and various mountain streams contribute to ambient background sound levels depending on weather and flow conditions. If RHW must adjust for such sounds, background ambient sound level measurements will be necessary. If background ambient sound level measurements are proposed, locations, times and flow conditions will be determined with concurrence from the DEP and as further described below.

- a. Compliance will be demonstrated when the required operating/test conditions and sound level limits per 06-096 CMR Chapter 375.10 have been met for twelve 10-minute measurement intervals at each representative monitoring location.
- b. Compliance will also be demonstrated and analyses of either short duration repetitive or tonal sound will not be required when the total of all sound for each of the twelve, 10-minute measurement results are equal or greater than 5 dBA below the applicable DEP noise limit for each representative monitoring position even with wind speeds equal or less than 6 mph. When the total of all sound for each of the twelve, 10-minute measurement results are equal or greater than 10 dBA below the applicable DEP noise limit for any representative monitoring position, short duration repetitive and tonal sound analyses will not be required for that position. Compliance under this paragraph requires that the monitoring positions were downwind and the wind turbines were operating at full sound power"
- c. Measurements will be obtained during weather conditions when wind turbine sound is most clearly noticeable. To the extent reasonably possible, measurements will be conducted when the measurement location is downwind of the development and maximum surface (10 meter) wind speeds ≤ 6 mph with concurrent turbine hub-elevation wind speeds sufficient to generate the maximum continuous rated sound power from the five nearest wind turbines to the measurement location. These conditions generally occur during inversion periods usually between 11pm-5am and can also occur earlier in the evening around sunset.

A downwind location is defined as within 45° of the direction between a specific measurement location and the acoustic center of the five nearest wind turbines.

- d. Measurement intervals affected by increased biological activities, leaf rustling, traffic, high water flow or other extraneous ambient noise sources that affect the ability to demonstrate compliance will be excluded from reported data. The intent is to obtain measurements that meet the specified criteria for the entire 10-minute interval.
- e. Selection of monitoring locations will require concurrence from Maine DEP. Sound monitoring locations will be positioned to most closely reflect the representative protected locations for purposes of demonstrating compliance with applicable sound level limits, subject to permission from the respective property owner(s).
- f. Maine DEP concurrence on meteorological site selection is required. To the extent reasonably possible, meteorological measurements of wind speed and direction will be collected using anemometers at a 10-meter height above ground and at the center of large unobstructed areas that are generally correlated with sound level measurement locations. Locations that cannot meet these criteria due to the lack of large unobstructed areas in the general vicinity of the compliance monitoring positions can be utilized with DEP concurrence and could require adjustments to reflect the actual conditions found at the protected locations selected for measurements. Results will be reported, based on 1-second integration intervals, and be reported synchronously with hub level and sound level measurements at 10 minute intervals. The wind speed average and maximum will be reported from surface stations. Individual 1-second wind gusts greater than 6 mph during any 10-minute measurement interval do not necessarily prevent the use of sound measurements taken during those intervals from being used to demonstrate compliance with the DEP noise limits.
- g. Sound level parameters reported for each 10-minute measurement period will include A-weighted equivalent sound level, 10/90% exceedance levels and ten 1-minute 1/3 octave band linear equivalent sound levels (dB). Short duration repetitive events will be characterized by event duration and amplitude. Event frequency is defined as the average event frequency +/- 1 standard deviation and amplitude is defined as the peak event amplitude minus the average minima sound levels immediately before and after the event, as measured at an interval of 50 ms or less, A-weighted and fast time response (i.e. 125 milliseconds). For each 10-minute measurement period short duration repetitive sound events will be reported by percentage of 50 ms or less intervals for each observed amplitude integer above 4 dBA. To the extent possible, reported measurement results will have minimal extraneous noise in the respective measurement intervals in accordance with (c.). Evaluation of tonal and short duration repetitive sounds are not required where measured sound levels are 5 dBA or more below the applicable limits.
- h. Compliance data collected in accordance with the assessment methods outlined above for representative locations selected in accordance with this protocol will be submitted to the Department for review and approval prior to the end of the first year of facility operation. Compliance data for each location will be gathered and submitted to the Department at the earliest possible opportunity after the commencement of operation, with consideration for the required weather, water flow, operations, and seasonal constraints.
- i. Acceptance by the Department of one set of 12, 10-minute measurements taken at each representative position in accordance with this protocol that demonstrates compliance with DEP noise limits per 06-096 CMR 375.10 constitutes completion of compliance testing and reporting.

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